

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PHILLIP B. ROSE,

Plaintiff,

v.

DISCOVER FINANCIAL SERVICES,
INC.; JP MORGAN CHASE NATIONAL
CORPORATE SERVICE, INC. DBA JP
MORGAN & CHASE; U.S. BANCORP,
DBA AS US BANK; PENNSYLVANIA
HIGHER EDUCATION ASSISTANCE
AGENCY, DBA AMERICAN
EDUCATION SERVICES; SALLIE MAE,
INC.; BANK OF AMERICA
CORPORATION; AMERICAN EXPRESS
COMPANY; WELLS FARGO BANK,
LTD.; AND DOES 1 TO 20 inclusive,

Defendants.

CASE NO. CV 12-00425 LHK (HRL)

**ORDER REQUESTING DEFENDANTS'
POSITION ON PLAINTIFF'S REQUEST
FOR DISMISSAL**

On February 15, 2012, Plaintiff filed a Request for Dismissal of Entire Action Against All Defendants Without Prejudice and a Proposed Order. ECF Nos. 31, 32. As Defendants have already filed an answer in this action, the Court will not dismiss this action without giving Defendants an opportunity to be heard. By 5:00 p.m. on Tuesday, February 21, 2012, Defendants shall file a statement that they either (1) do not oppose Plaintiff's request, or (2) intend to oppose Plaintiff's request pursuant to the briefing schedule for motions set forth in the Civil Local Rules. If Defendants fail to file such statement, the Court shall grant Plaintiff's request for dismissal without prejudice.

Dated: February 17, 2012



Hon. Lucy H. Koh
United States District Court Judge